**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION.**
**CRIMINAL APPLICATION No.2471 of 2007**

Chandrakant S. Kashid ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr M. S.Mohite with S. V. Kotwal for the Applicant.

Mr S.D. Shinde, A.P.P. for the Respondent.

**CORAM: V.C. DAGA, J.**
**DATED: 1.8.2007.**

**P.C.:-**

1. Heard learned Advocate for the applicant- accused and learned A.P.P.for the State.

2. Perused application and the material available on record.

3. The learned counsel for the applicant submits that the reading of the complaint, as a whole, no offence can be said to have been made out under Section 3 (i)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 for the following three reasons i.e. the expression used by way of abuse is that the complainant

belongs to "backward class". Secondly, that the caste of the accused has not been mentioned in the F.I.R. Thirdly, the expression by way of abuse has to be "within public view" which is absent in the facts of the present case. Reliance is placed on the judgment of this Court in the case of **Madanlal Vs.State of Maharashtra 2006 ALL MR (Cri) 787** in support of these submissions.

4. Per contra, the learned APP for the State tried to oppose the application saying that the words "Scheduled Castes" have been used and, therefore, the submission made by the learned counsel for the applicant is devoid of any substance. However, she could not take her submission to the logical end, so far as the other two grounds are concerned. She admits that there is neither any reference to the caste of the accused in the F.I.R. nor the alleged accusation appears to have been made in the public view; since the incident complained of has taken place in the cabin of the accused; wherein, nobody other than the complainant and the accused was present.

5. Having heard both the parties and in the

above backdrop, prima facie, I am inclined to grant anticipatory bail to the applicant.

6. The applicant, in the event of arrest in C.R. No.II-3025/2007 registered with Khopoli Police Station, be released on bail in the sum of Rs.25,000/-(Rupees Twenty Five Thousand) with one surety to make up the said amount on the following terms and conditions:

a] that he should report to Khopoli Police Station,once in a week i.e. on every Sunday between 3.00 to 5.00 p.m.till filing of the charge sheet.

b] the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

c] the applicant shall not pressurise witnesses and that he shall co-operate with the Investigating agency, if required.

7. This order of anticipatory bail shall remain in force till the filing of the charge sheet. It would be open for the applicant to apply for regular bail before the regular Court.

8. The application is allowed in the above terms.

**(V.C. DAGA,J.)**